



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) Q137-US3	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/666,860	Filed September 17, 2003	
	First Named Inventor Hisashi Tsukamoto et al.		
	Art Unit 1795	Examiner Cynthia Lee	
<p>Applicant requests review of the final rejection in the above-identified patent application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>42,491</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 37 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
Docket No. Q137-US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hisashi Tsukamoto et al.

Serial No: 10/666,860

Filed: September 17, 2003

For: ELECTRIC STORAGE BATTERY
CONSTRUCTION AND METHOD OF
MANUFACTURE

Art Unit: 1795

Examiner: LEE, Cynthia

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pre-Appeal Brief Request for Review

This communication is in response to the Office Action mailed on June 6, 2008 (the Office Action).

Claim 20 is the only pending independent claim and it stands rejected for under 35 USC §102(b) as being anticipated by U.S. Patent No. 3,510,353 (McHenry). The Applicant submits that a clear legal error has been committed in rejecting claims 20 under 35 USC §102(b).

REMARKS

Claim 20 is the only independent claim pending in the current application and is set forth below:

20. A method of constructing an electric storage battery, comprising:
- providing electrical communication between a first electrode strip and a pin;
 - positioning a mandrel on the pin;
 - winding the first electrode strip together with a second electrode strip so as to form a spiral roll having at least a portion of the pin within the spiral roll,**
 - the spiral roll being formed after positioning the mandrel on the pin, and
 - the first electrode strip and the second electrode strip being wound together after providing electrical communication between the first electrode strip and the pin.**

A review of the above claim shows that claim 20 recites “winding ...(a) first electrode strip together with a second electrode strip so as to form a spiral roll having at least a portion of ...(a) pin within the spiral roll.” Afterwards, claim recites “the first electrode strip and the second electrode strip being wound together after providing electrical communication between the first electrode strip and the pin.” As a result, claim 20 recites

McHenry teaches that the electrodes are “rolled” around a crimped tube (C2, L35-36). Afterwards, McHenry states the following:

The seal would normally be assembled first and the electrodes placed around the crimped tube 12. The wire 14 would then be bent and attached to tab 18 and the negative connection made.

This quotation teaches providing electrical communication between an electrode strip and a pin (attaching the wire 14 to the tab 18) after placing the electrodes around the tube. As a result, McHenry does not teach “the first electrode strip and the second electrode strip being wound together after providing electrical communication between the first electrode strip and the pin.” Since McHenry does not teach every element of claim 20, McHenry does not anticipate claim 20.

Claims 21-28, 67, and 78-83

Claims 21-28, 67, and 78-83 each depends directly or indirectly from claim 20. Since claim 20 is believed to be patentable over McHenry, these claims are also believed to be patentable over McHenry.

Double Patenting

Additionally, claims 20-28, 67, 78, 79, and 80-83 stand **provisionally** rejected for double patenting over claims 69-73 and 76-70 of Patent Application serial number 10/665,440 (the '440 Application).

In the event that the current rejection under 35USC102 is withdrawn and the Double Patenting rejection is the only rejection remaining in the subsequent Office Action, the Applicant reserves the right to file a Terminal Disclaimer depending on the content of the claims in the '440 Application at the time of the Applicant's Response to the next Office Action.

Conclusion

The Applicant respectfully submits that legal error has been made by rejecting the pending claims as being anticipated by McHenry. For these reasons, allowance of claims 20-28, 67, and 78-83 is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Travis Dodd', written over a horizontal line.

TRAVIS DODD

Reg. No. 42,491

Agent for Applicant(s)

Quallion LLC
P.O. Box 923127
Sylmar, CA 91392-3127
818-833-2003 ph
818-833-2065 fax
travisd@quallion.com